

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
United States Courthouse
40 Foley Square
New York, NY 10007

ROSEANN B. MACKECHNIE
CLERK

Re: Beverage Marketing v. South Beach Beverage
Docket No. 00-9578

CIVIL APPEALS SCHEDULING ORDER #1
ADDRESS INQUIRIES TO (212) 857-8576

Noting that counsel for the appellants has filed a Notice of Appeal, a Civil Appeals Pre-Argument Statement and Transcript information, and being advised as to the progress of the appeal,

IT IS HEREBY ORDERED that the index to the record on appeal, a certified copy of the docket entries, and the clerk's certificate shall be filed on or before August 30, 2001. The documents constituting the record on appeal shall not be transmitted until requested by this Court, but will be required within 24 hours of such request.

IT IS FURTHER ORDERED that the appellant's brief and the joint appendix be filed on or before September 6, 2001.

IT IS FURTHER ORDERED that the brief of the appellee be filed on or before October 8, 2001.

IT IS FURTHER ORDERED that ten (10) copies of each brief be filed with the Clerk.

IT IS FURTHER ORDERED that the argument of the appeal shall be heard no earlier than the week of November 19, 2001. All counsel should immediately advise the Clerk by letter of the dates thereafter that they are unavailable for oral argument. The time and place of oral argument shall be separately noticed by the Clerk to counsel.

IT IS FURTHER ORDERED that in the event of default by appellant in filing the record on appeal, or the appellant's brief and joint appendix, at the times directed, or upon default or the appellant regarding any other provision of this order, the appeal may be dismissed forthwith without further notice.

IT IS FURTHER ORDERED that if the appellee fails to file a brief within the time directed by this order, the appellee shall be subject to such sanctions as the court may deem appropriate.

ROSEANN B. MACKECHNIE, Clerk

By _____
Stanley Bass
Staff Counsel

